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THOMAS F. MCFARLAND

February 16, 2010

By e-filing

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Docket No. NOR-42102, *Railroad Salvage & Restoration, Inc. -- Petition for Declaratory Order -- Reasonableness of Demurrage Charges*

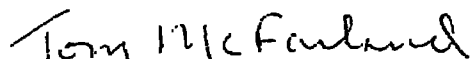
Dear Section of Administration Chief:

On February 3, 2010, Petitioner Railroad Salvage & Restoration, Inc. (RSR) filed a Petition for Leave to Withdraw Petition for Declaratory Order in Docket No. NOR-42102 on the ground that on December 30, 2009 the Court that referred the issues in that Declaratory Order proceeding to the Board dismissed with prejudice the Complaint filed by Missouri & Northern Arkansas Railroad Company, Inc. (MNA) against RSR for recovery of demurrage charges.

MNA has now filed Motions in that Court case for Relief from Judgment under FRCP 60(b)(1) and for an Extension of Time to File a Notice of Appeal under FRAP 4(a)(5). RSR is in the process of replying in opposition to those Motions.

In view of the pendency of those Motions in the Court case, RSR hereby requests that the Board hold RSR's Motion for Leave to Withdraw Petition for Declaratory Order in abeyance until those Motions are decided by the Court.

Respectfully submitted,



Thomas F. McFarland
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& Restoration, Inc.

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